

1 Richard J. Angell, Nevada Bar ID No. 9339
2 Ashley C. Nikkel, Nevada Bar ID No. 12838
3 PARSONS BEHLE & LATIMER
4 50 West Liberty Street, Suite 750
5 Reno, NV 89501
6 Telephone: 775.323.1601
7 Facsimile: 775.348.7250
8 rangell@parsonsbehle.com
9 anikkel@parsonsbehle.com

10
11 *Attorneys for Plaintiff*
12 *Sunset Commercial LLC*

13
14
15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 SUNSET COMMERCIAL LLC, a Nevada
18 Limited Liability Company,

19 Plaintiff,

20 vs.

21 BAYER CROPSCIENCE, INC., a New York
22 Corporation; MONTROSE CHEMICAL
23 CORPORATION OF CALIFORNIA, a
24 Delaware Corporation; ATLANTIC
25 RICHFIELD COMPANY, a Delaware
26 Corporation; OLIN CORPORATION, a
27 Virginia Corporation; TITANIUM METALS
28 CORPORATION, a Delaware Corporation;
NL INDUSTRIES, INC., a New Jersey
Corporation; LE PETOMANE XXVII, INC.,
an Illinois Corporation, in its representative
capacity as the NEVADA
ENVIRONMENTAL RESPONSE TRUST
TRUSTEE; and the UNITED STATES OF
AMERICA.

Defendants.

Case No. 2:23-CV-02081-GMN-BNW

10
11
12
13
14
15 **MOTION TO EXTEND DEADLINE FOR**
16 **PARTIES TO FILE DISCOVERY PLAN**
17 **AND SCHEDULING ORDER**

20 Plaintiff Sunset Commercial LLC (“Sunset” or “Plaintiff”), by and through its undersigned
21 counsel, hereby requests an extension of time for the parties to file the Discovery Plan and Scheduling
22 Order in this matter. In support of this Motion, Sunset states as follows:

23
24 1. The parties’ current deadline to file the Discovery Plan and Scheduling Order is
25 August 15, 2024.

1 2. Sunset has been engaged in productive settlement conversations with various
2 Defendants.

3 3. Sunset and Defendant United States have reached an agreement in principle for
4 settlement, subject to Defendant Atlantic Richfield Company's confirmation that it will participate in
5 the settlement according to the latest terms proposed by the United States. The United States'
6 agreement in principle is subject to final approval by those with authority within the United States
7 government.

8 4. Sunset believes an extension by this Court of the time within which the parties must
9 file a Rule 26(f) Discovery Plan and Proposed Scheduling Order (the "Rule 26 Filing") from
10 **August 15, 2024** through and including **September 30, 2024** would be beneficial in an effort to
11 minimize time the parties must spend to meet and confer and draft the Rule 26 filing while they
12 continue with settlement negotiations to resolve as much of this case as possible at this early stage of
13 litigation.

14 5. Defendants United States, Atlantic Richfield Company, Bayer CropScience, Inc., Le
15 Petomane XXVII, Inc., in its representative capacity as the Nevada Environmental Response Trust
16 Trustee, and Montrose Chemical Corporation of California have indicated they do not oppose this
17 Motion.

18 6. This would be the third extension of this deadline and is made in good faith and not
19 for purposes of delay. *See LR IA 6-1(a).*

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 In light of the foregoing circumstances, Sunset requests that the Court order the deadline for
2 filing the Rule 26(f) Discovery Plan and Scheduling Order to and including September 30, 2024.

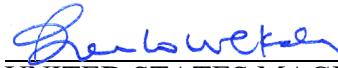
3 DATED: August 15, 2024.

4 PARSONS BEHLE & LATIMER

5 By: /s/ Ashley C. Nikkel
6 Richard J. Angell, Nevada Bar ID 9339
7 Ashley C. Nikkel, Nevada Bar No. 12838
8 50 West Liberty Street, Suite 750
9 Reno, NV 89501
10 rangell@parsonsbehle.com
11 anikkel@parsonsbehle.com
12 *Attorneys for Plaintiff*
13 *Sunset Commercial LLC*

14 **ORDER**

15 **IT IS SO ORDERED.**

16 
17 UNITED STATES MAGISTRATE JUDGE

18 Dated: 8/23/2024

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that on the 15th day of August, 2024, I filed a true and correct copy of the foregoing document, **MOTION TO EXTEND DEADLINE FOR PARTIES TO FILE DISCOVERY PLAN AND SCHEDULING ORDER**, with the Clerk through the Court's CM/ECF system, which sent electronic notification to all registered users as follows:

HOLLAND & HART LLP
Joseph G. Went
Sydney R. Gambee
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
jgwent@hollandhart.com
srgambee@hollandhart.com

*Attorneys for Defendant
Olin Corporation*

CAMPBELL & WILLIAMS
J. Colby Williams
710 South 7th Street
Las Vegas, NV 89101
jcw@cwlawlv.com

*Attorneys for Defendant
Montrose Chemical Corporation of California*

LEWIS ROCA ROTHGERBER
CHRISTIE LLP
J. Christopher Jorgensen
Dibora L. Berhanu
3993 Howard Hughes Pkwy., Suite 600
Las Vegas, NV 89169
cjorgensen@lewisroca.com
dberhanu@lewisroca.com

*Attorneys for Defendant
Titanium Metals Corporation*

McGUIRE WOODS LLP
Robert F. Redmond
Carson R. Bartlett
800 East Canal Street
Richmond, VA 23219
rredmond@mcguirewoods.com
cbartlett@mcguirewoods.com

*Attorneys for Defendant
Olin Corporation*

LATHAM & WATKINS LLP
Kelly E. Richardson
Jake Ryan
12670 High Bluff Drive
San Diego, CA 92130
Kelly.richardson@lw.com
Jake.ryan@lw.com

*Attorneys for Defendant
Montrose Chemical Corporation of California*

DOTSON LAW
Robert A. Dotson
Daniel T. Hayward
5355 Reno Corporate Dr., Suite 100
Reno, NV 89511
rdotson@dotsonlaw.legal
dhayward@dotsonlaw.legal

*Attorneys for Defendant
Atlantic Richfield Company*

1 DAVIS GRAHAM & STUBBS LLP
2 Jonathan W. Rauchway
3 Adam S. Cohen
4 Cormac Bloomfield
5 Aditi Kulkarni-Knight
6 1550 Seventeenth St., Suite 500
7 Denver, CO 80202
8 Jon.rauchway@dgslaw.com
9 Adam.cohen@dgslaw.com
10 Cormac.bloomfield@dgslaw.com
11 Aditi.kulkarni@dgslaw.com

12 *Attorneys for Defendant
13 Atlantic Richfield Company*

14 PISANELLI BICE PLLC
15 James J. Pisanelli
16 M. Magali Mercera
17 400 South 7th St., Suite 300
18 Las Vegas, NV 89101
19 jjp@pisanellibice.com
20 mmm@pisanellibice.com

21 *Attorneys for Defendant
22 Le Petomane XXVII, Inc., an Illinois Corporation
23 in its representative capacity as trustee of the
24 Nevada Environmental Response Trust*

25 EDGCOMB LAW GROUP, LLP
26 John D. Edgcomb
27 591 Redwood Highway, Suite 2320
28 Mill Valley, CA 94941
29 jedgcomb@edgcomb-law.com

30 *Attorneys for Defendant
31 Bayer CropScience, Inc.*

32 UNITED STATES DEPT. OF JUSTICE
33 ENRD
34 Brandon N. Adkins
35 Rachel Dorothy Martinez
36 150 M Street, NE
37 Washington, DC 20044
38 brandon.adkins@usdoj.gov
39 rachel.martinez@usdoj.gov

40 *Attorneys for
41 Defendant United States of America*

42 UNITED STATES ATTORNEY'S OFFICE
43 District of Nevada
44 Lindsay Ager, Asst. U.S. Attorney
45 501 Las Vegas Blvd. South, Suite 1100
46 Las Vegas, NV 89101
47 Lindsay.Ager@usdoj.gov

48 *Attorneys for Defendant
49 United States of America*

50 McDONALD CARANO LLP
51 Ryan J. Works
52 John A. Fortin
53 2300 W. Sahara Ave., Suite 1200
54 Las Vegas, NV 89102
55 rworks@mcdonaldcarano.com
56 jfortin@mcdonaldcarano.com

57 *Attorneys for Defendant
58 Bayer CropScience, Inc.*

1 EDGCOMB LAW GROUP, LLP
2 Gabriel J. Padilla
3 2102 Business Center Dr., Suite 130 #651
4 Irvine, CA 92612
5 gpadilla@edgcomb-law.com
6 *Attorneys for Defendant*
7 *Bayer CropScience, Inc.*

FOLEY & LARDNER LLP
Eric L. Maassen
Tanya C. O'Neill
777 E. Wisconsin Ave.
Milwaukee, WI 53202
emaassen@foley.com
toneill@foley.com

8
9
10 *Attorneys for Defendant*
11 *Le Petomane XXVII, Inc., an Illinois*
12 *Corporation, in its representative capacity as*
13 *trustee of the Nevada Environmental Response*
14 *Trust*

15 /s/ Roni L. Shaffer
16 Employee of Parsons Behle & Latimer